

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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BAUSCH & LOMB INCORPORATED,

Plaintiff,

v.

CONTRACT PHARMACAL CORP.

Defendant.

05-CV-6410 T(P)

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**CONSENT DECREE AND FINAL JUDGMENT**

ON THIS DAY, came for consideration the Joint Motion for Entry of Consent Decree and Final Judgment filed by Plaintiff BAUSCH & LOMB INCORPORATED, ("B&L") and Defendant CONTRACT PHARMACAL CORP. ("CONTRACT"). The Court is of the opinion that the Motion should be, and is hereby GRANTED.

It is therefore ORDERED, ADJUDGED and DECREED, as final judgment, that:

1. U.S. Patent No. No. 6,660,297 (the "'297 Patent") is and remains valid and enforceable as between the parties;
2. CONTRACT's commercial manufacture, use, sale, offer for sale and/or importation of compositions claimed in the '297 Patent, including but not limited to Ocutabs Eye Vitamins for Walgreens, would infringe the '297 patent;

3. The parties agree that the issues of patent validity, enforceability and infringement resolved in this Consent Decree and Final Judgement are concluded with finality and on the merits among the parties;
4. Each party is to bear its own costs and attorney fees;
5. This Court shall retain exclusive jurisdiction over the parties to enforce the terms of this Consent Decree and Final Judgment. In the event of any dispute arising under this Consent Decree and Final Judgment, the prevailing party shall be entitled to its reasonable attorneys' fees and costs incurred in connection with the litigation of any such dispute.

DATED: this 2 day of December, 2005

  
HONORABLE MICHAEL A. TELESCA  
UNITED STATES DISTRICT COURT JUDGE